

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FILED
OCT 12 2008 AM 10:53
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
Clerk's Office
X

Luz-Maria Urzua and Cesar Anchante-) Case No. CV-07-6349 JSW
Martinetti)
C/o 6787 Hillsview Dr,) VERIFIED NOTICE OF DEFAULT
Vacaville, California Zip Code)
Exempt,)
Libellants,)
vs.)
COUNTRYWIDE HOME LOANS, ANGELO)
MOZILO, CEO et. Al.)
C/o P.O. BOX 10219)
Van Nuys, California [91410])

Libellee,

VERIFIED NOTICE OF DEFAULT

Now, by special appearance, comes Luz-Maria Urzua and Cesar Anchante-Martinetti the flesh and blood woman and men, Sui Juris and unschooled in law, hereinafter referred to as we, ours, us, me, my, I, or the like, to make the following AFFIDAVIT with clean hands, full disclosure and no intent to defraud, furthermore, the following first hand asseverations are true, complete, certain and not meant to mislead or delay.

1.) We are of legal age, competent to testify and under no legal disability.

- 1 2.) Libellants have filed an action for declaratory judgment as a
- 2 result of libellee's breach of agreement.
- 3 3.) Libellants have exhausted their administrative remedies in this
- 4 instant matter.
- 5 4.) Libellants seek a default judgment as libellees have failed to
- 6 rebut the complaint.
- 7 5.) Libellees have failed to ask for a more definitive statement and
- 8 are in agreement with libellants.

OVERVIEW OF FACTS

- 9 6.) On October 10, 2007 Libellees sent a presentment to us demanding
- 10 payment of a sum certain.
- 11 7.) We conditionally accepted that presentment upon COUNTRYWIDE HOME
- 12 LOANS continuing fiduciary duty to deal honestly and answer questions
- 13 about the underlying obligation.
- 14 8.) We then sought to exhaust our administrative remedies.
- 15 9.) On December 14, 2007 we filed suit in UNITED STATES DISTRICT
- 16 COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, Case number CV 07 6349
- 17 CW with the administrative procedure attached.
- 18 10.) THE RECORD shows that COUNTRYWIDE HOME LOANS received a copy
- 19 of a Summons on December 24, 2007, Deadlines on January 28, 2008, see
- 20 attached copy Certified Mail No. 7007 1490 0000 8781 2525
- 21 11.) The RECORD shows that COUNTRYWIDE HOME LOANS has refused and/or
- 22 failed to appear and defend.
- 23 12.) Twenty-eight days have passed since Case C 07-06349 CW was filed.
- 24 13.) COUNTRYWIDE HOME LOANS remained silent.
- 25 14.) COUNTRYWIDE HOME LOANS is not an infant or incompetent person.
- 15.) The RECORD shows that no request for a more definitive statement

1 was executed by COUNTRYWIDE HOME LOANS until February 6th or after.

2 16.) Federal Rules of Civil Procedure provide for default judgment by
3 the clerk for a failure to appear and defend [rule 55(a)].

4 17.) The Protest evidences COUNTRYWIDE HOME LOAN'S agreement, consent
5 and stipulation to our position.

6 18.) COUNTRYWIDE HOME LOANS is in default.

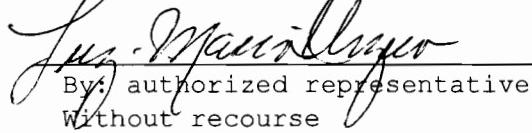
7 19.) A default judgment by the clerk establishing COUNTRYWIDE HOME
8 LOANS default is appropriate.

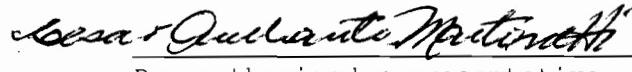
9 20.) A sum certain amount of \$64,774,742.40 is due and owing
10 libellants by libellee.

11 21.) COUNTRYWIDE HOME LOANS and/or any other interested party has
12 three days from the verified receipt of this VERIFIED NOTICE OF DEFAULT
13 to rebut this AFFIDAVIT item by item and line by line or be forever
esstopped by default.

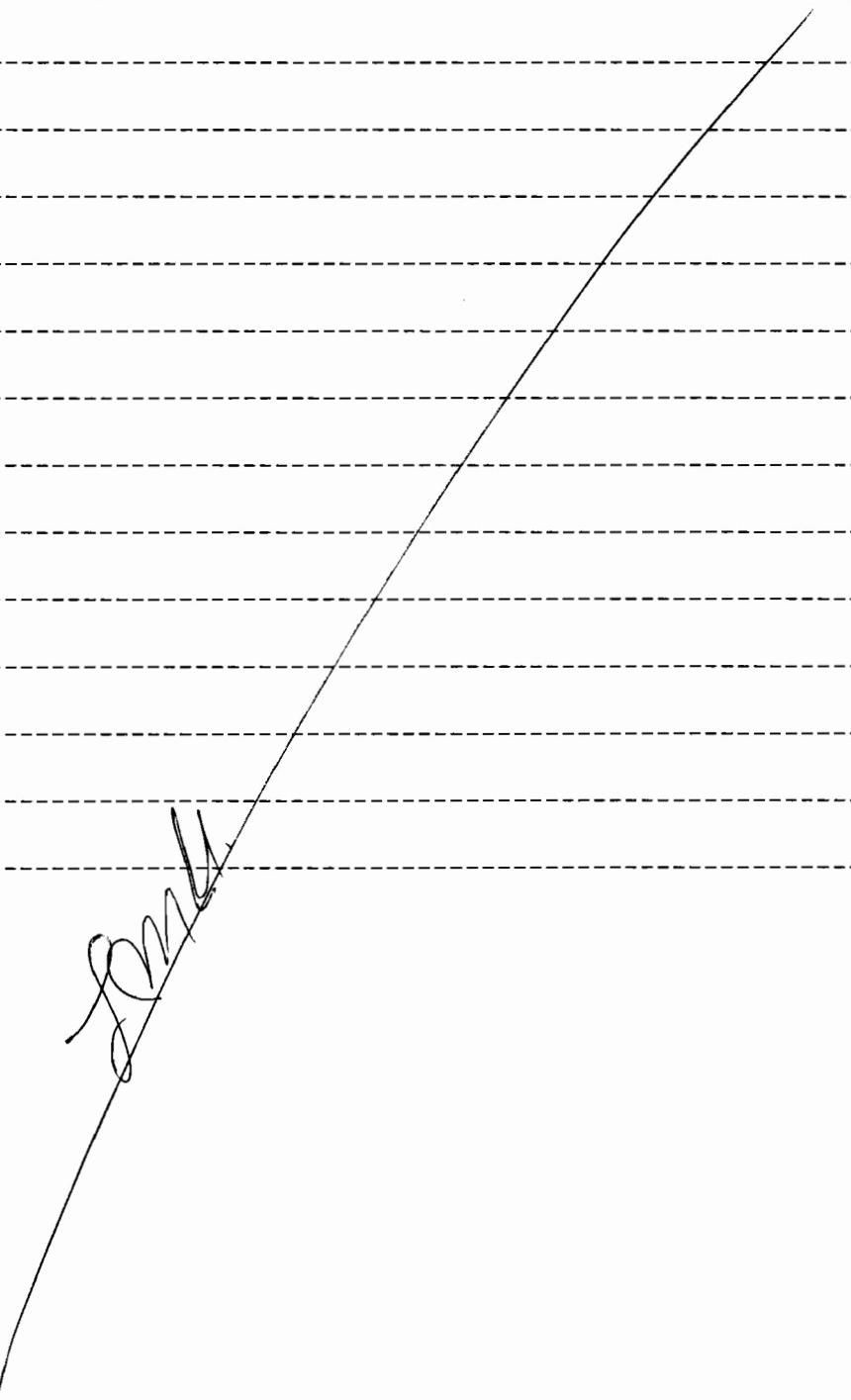
14 Our yea is our yea and our nay is our nay.

15 Dated this 12th day March, 2008

16 
17 By: authorized representative
Without recourse

18 
19 _____
20 By: authorized representative
21 Without recourse

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1 UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF CALIFORNIA

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)
6 MARTINETTI)
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11 vs.)
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13 CEO et. Al.)
)
14 C/o P.O. Box 10219)
)

15 Van Nuys, California [91410]

16 Libellee,

17 CERTIFICATE OF SERVICE

18 Now, by special appearance, comes Luz-Maria Urzua and Cesar Anchante-
19 Martinetti the flesh and blood woman and man, Sui Juris and unschooled in
20 law, hereinafter referred to We, ours, us, as me, my, I, or the like, to make
21 the following NOTICE with clean hands, full disclosure and no intent to
22 defraud, furthermore, the following first hand asseverations are true,
23 complete, certain and not meant to mislead.

24 NOTICE is hereby given that:

11.) We are of legal age, competent to testify and under no legal
1 disability.

2 12.) This is to certify that on March 12th, 2008 we placed a true and
3 accurate copy of the enclosed VERIFIED NOTICE OF DEFAULT in the U. S.
4 mail with postage prepaid and addressed as follows:

5 COUNTRYWIDE HOME LOANS/ ANGELO MOZILO, CEO

6 C/o P.O. Box 10219

7 Van Nuys, California [91410]

8 With certified mail number 7006 0100 0005 6174 0331

9 Dated this 12th day of March, 2008

10 
11 By: authorized representative
12 Without recourse

13 

14
15 By: authorized representative
16 Without recourse